

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT MICH

BRO

STEELCASE INC., a Michigan
corporation,

Plaintiff,

Case No. 1:04CV0026

v.

Honorable Robert Holmes Bell
Chief, U.S. District Judge

HARBIN'S, INC., an Alabama
corporation, MICHAEL G. HARBIN,
and HOPE D. HARBIN,

Defendants.

/

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENTRY OF DEFAULT
AGAINST DEFENDANT HARBIN'S, INC.**

Jon G. March, having been duly sworn, states as follows:

1. I have personal knowledge of the facts stated in this Affidavit and, if called as a witness, I am competent to testify to the matters set forth in this Affidavit.

2. I am an attorney with Miller, Johnson, Snell & Cummiskey, P.L.C. and am the attorney of record for plaintiff, Steelcase Inc. I submit this Affidavit pursuant to Fed. R. Civ. P. 55(a) in support of Steelcase Inc.'s request for entry of default against defendant Harbin's, Inc.

3. Defendant Harbin's, Inc. was served with Summons and a copy of the Complaint in this matter on or about January 15, 2004, as documented by the executed return of service on file with the Court.

4. Counsel for defendant Harbin's, Inc., Miller, Canfield, Paddock & Stone, P.L.C., filed an Appearance on February 5, 2004, and a Motion to Dismiss on February 24, 2004.

5. On September 23, 2004, this Court entered its Opinion and Order denying defendant's Motion to Dismiss.

6. An Amended Complaint was filed as of right on October 4, 2004, adding two additional parties but asserting no new claims against defendant Harbin's, Inc.

7. Pursuant to Fed. R. Civ. P. 15(a), defendant Harbin's, Inc. had to and including October 18, 2004 within which to file an Answer or otherwise respond to the Amended Complaint.

8. As of the date of this Affidavit, defendant Harbin's, Inc. has yet to file an Answer or other response with this Court.


Jon G. March

The foregoing Affidavit was sworn to and subscribed before me this 19th day of October, 2004.



Notary Public, Kent County, Michigan
My Commission Expires: 5-14-05
Acting in the County of Kent